

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1273

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

19 **SECTION 1.** Section 45-3-51, Mississippi Code of 1972, is
20 amended as follows:
21 45-3-51. Each * * * person employed as a law enforcement
22 officer or agent by the Department of Public Safety who retires
23 under the Highway Safety Patrol Retirement System or the Public
24 Employees' Retirement System, for superannuation or for reason of
25 disability, or a beneficiary of such * * * law enforcement officer
26 or agent who is killed in the line of duty, shall be allowed to
27 retain, as his personal property, one (1) sidearm which was issued
28 under authority of Section 45-3-19 or 41-29-159. Likewise, a



29 beneficiary of any law enforcement officer killed in the line of
30 duty shall be allowed to retain the officer's sidearm.

31 **SECTION 2.** Section 45-9-131, Mississippi Code of 1972, is
32 amended as follows:

33 45-9-131. (1) Upon approval of the governing authority of
34 the municipality or county, a member of any municipal or county
35 law enforcement agency who retires under any state retirement
36 system may be allowed to purchase, as his or her personal
37 property, one (1) sidearm which was issued to the law enforcement
38 officer by the law enforcement agency from which he or she retired
39 or by whom he or she was employed at the time of death.

40 (2) * * * Except as otherwise provided in subsection (5),
41 upon approval of the director of a state agency, board or
42 commission, a law enforcement officer employed by a state agency,
43 board or commission who retires under any state retirement system
44 may be allowed to purchase, as his or her personal property, one
45 (1) sidearm which was issued to the law enforcement officer by a
46 state agency, board or commission.

47 (3) * * * Except as otherwise provided in subsection (5),
48 the next of kin of a law enforcement officer who is killed in the
49 line of duty is authorized to purchase the sidearm that was issued
50 to the officer. The amount to be paid for any firearm purchased
51 under the authority of this subsection shall be an agreed upon
52 price as determined by the appropriate governmental authority who
53 employed the officer.



54 (4) The amount to be paid for any firearm purchased under
55 the authority of this section, except for any firearm purchased
56 under subsection (3) of this section, shall be the fair market
57 value of the firearm as determined by the appropriate governmental
58 authority who employed the officer.

59 (5) This section does not apply to a law enforcement officer
60 employed by the Department of Public Safety or a beneficiary of a
61 law enforcement officer employed by the Department of Public
62 Safety, who, pursuant to Section 45-3-51, may retain one (1)
63 sidearm upon the officer's retirement or death in the line of
64 duty.

65 **SECTION 3.** Section 77-7-345, Mississippi Code of 1972, is
66 amended as follows:

67 77-7-345. (1) When not otherwise specifically provided, the
68 Commissioner of Public Safety is authorized to make and promulgate
69 reasonable rules and regulations to provide a voluntary program
70 for inspection of commercial motor vehicles.

71 (2) For the purposes of this section, "commercial motor
72 vehicle" has the meaning ascribed in Section 63-1-203.

73 (3) The regulations, if promulgated, will:

74 (a) Create a voluntary program for inspection of any
75 combination of truck, truck tractor, trailer, semi-trailer or pole
76 trailer, including each segment of a combined vehicle, that is
77 used upon the highways or streets as a commercial motor vehicle



78 for compliance with all applicable federal and state motor carrier
79 safety regulations;

80 (b) Require that inspectors have access to the vehicle
81 maintenance log;

82 (c) Prescribe a method of documentation to be displayed
83 on the vehicle that is readily visible to an observer in the form
84 of a decal or sticker, and require that the form of documentation
85 prescribed must be kept on the vehicle;

86 (d) Require that inspection occur on an annual basis
87 for participation in the program;

88 (e) Provide that inspection is not mandatory;

89 (f) Impose a reasonable inspection fee, which shall be
90 deposited to the credit of the operating fund of the Commercial
91 Transportation Enforcement Division of the Mississippi Department
92 of Public Safety; and

93 (g) Specify that officers of the Commercial
94 Transportation Enforcement Division will retain all responsibility
95 and authority to monitor and enforce violations under Section
96 77-7-335.

97 * * *

98 **SECTION 4.** Section 97-3-54.7, Mississippi Code of 1972, is
99 amended as follows:

100 97-3-54.7. (1) In addition to any other civil or criminal
101 penalties provided by law, any property used in the commission of
102 a violation of this act shall be forfeited as provided herein.



103 (a) The following property shall be subject to
104 forfeiture if used or intended for use as an instrumentality in or
105 used in furtherance of a violation of this act:

106 (i) Conveyances, including aircraft, vehicles or
107 vessels;

108 (ii) Books, records, telecommunication equipment,
109 or computers;

110 (iii) Money or weapons;

111 (iv) Everything of value furnished, or intended to
112 be furnished, in exchange for an act in violation and all proceeds
113 traceable to the exchange;

114 (v) Negotiable instruments and securities;

115 (vi) Any property, real or personal, directly or
116 indirectly acquired or received in a violation or as an inducement
117 to violate;

118 (vii) Any property traceable to proceeds from a
119 violation; and

120 (viii) Any real property, including any right,
121 title and interest in the whole of or any part of any lot or tract
122 of land used in furtherance of a violation of this act.

123 (b) (i) No property used by any person as a common
124 carrier in the transaction of business as a common carrier is
125 subject to forfeiture under this section unless it appears that
126 the owner or other person in charge of the property is a
127 consenting party or privy to a violation of this act;



128 (ii) No property is subject to forfeiture under
129 this section by reason of any act or omission proved by the owner
130 thereof to have been committed or omitted without his knowledge or
131 consent; if the confiscating authority has reason to believe that
132 the property is a leased or rented property, then the confiscating
133 authority shall notify the owner of the property within five (5)
134 days of the confiscation or within five (5) days of forming reason
135 to believe that the property is a leased or rented property;

136 (iii) Forfeiture of a property encumbered by a
137 bona fide security interest is subject to the interest of the
138 secured party if he neither had knowledge of nor consented to the
139 act or omission.

140 (2) No property shall be forfeited under the provisions of
141 this section, to the extent of the interest of an owner, by reason
142 of any act or omission established by him to have been committed
143 or omitted without his knowledge or consent.

144 (3) Seizure without process may be made if the seizure is
145 incident to an arrest or a search under a search warrant or an
146 inspection under an administrative inspection warrant.

147 (4) (a) When any property is seized under this section,
148 proceedings shall be instituted within a reasonable period of time
149 from the date of seizure or the subject property shall be
150 immediately returned to the party from whom seized.

151 (b) A petition for forfeiture shall be filed by the
152 Attorney General, the Department of Public Safety or a district



153 attorney in the name of the State of Mississippi, the county, or
154 the municipality, and may be filed in the county in which the
155 seizure is made, the county in which the criminal prosecution is
156 brought, or the county in which the owner of the seized property
157 is found. Forfeiture proceedings may be brought in the circuit
158 court or the county court if a county court exists in the county
159 and the value of the seized property is within the jurisdictional
160 limits of the county court as set forth in Section 9-9-21. A copy
161 of the petition shall be served upon the following persons by
162 service of process in the same manner as in civil cases:

163 (i) The owner of the property, if address is
164 known;

165 (ii) Any secured party who has registered his lien
166 or filed a financing statement as provided by law, if the identity
167 of the secured party can be ascertained by the entity filing the
168 petition by making a good faith effort to ascertain the identity
169 of the secured party;

170 (iii) Any other bona fide lienholder or secured
171 party or other person holding an interest in the property in the
172 nature of a security interest of whom the seizing law enforcement
173 agency has actual knowledge; and

174 (iv) Any person in possession of property subject
175 to forfeiture at the time that it was seized.

176 (5) If the property is a motor vehicle susceptible of
177 titling under the Mississippi Motor Vehicle Title Law and if there



178 is any reasonable cause to believe that the vehicle has been
179 titled, inquiry of the Department of Revenue shall be made as to
180 what the records of the Department of Revenue show as to who is
181 the record owner of the vehicle and who, if anyone, holds any lien
182 or security interest that affects the vehicle.

183 (6) If the property is a motor vehicle and is not titled in
184 the State of Mississippi, then an attempt shall be made to
185 ascertain the name and address of the person in whose name the
186 vehicle is licensed, and if the vehicle is licensed in a state
187 which has in effect a certificate of title law, inquiry of the
188 appropriate agency of that state shall be made as to what the
189 records of the agency show as to who is the record owner of the
190 vehicle and who, if anyone, holds any lien, security interest or
191 other instrument in the nature of a security device that affects
192 the vehicle.

193 (7) If the property is of a nature that a financing
194 statement is required by the laws of this state to be filed to
195 perfect a security interest affecting the property and if there is
196 any reasonable cause to believe that a financing statement
197 covering the security interest has been filed under the laws of
198 this state, inquiry of the appropriate office designated in
199 Section 75-9-501, shall be made as to what the records show as to
200 who is the record owner of the property and who, if anyone, has
201 filed a financing statement affecting the property.



202 (8) If the property is an aircraft or part thereof and if
203 there is any reasonable cause to believe that an instrument in the
204 nature of a security device affects the property, inquiry of the
205 Mississippi Department of Transportation shall be made as to what
206 the records of the Federal Aviation Administration show as to who
207 is the record owner of the property and who, if anyone, holds an
208 instrument in the nature of a security device which affects the
209 property.

210 (9) If the answer to an inquiry states that the record owner
211 of the property is any person other than the person who was in
212 possession of it when it was seized, or states that any person
213 holds any lien, encumbrance, security interest, other interest in
214 the nature of a security interest, mortgage or deed of trust that
215 affects the property, the record owner and also any lienholder,
216 secured party, other person who holds an interest in the property
217 in the nature of a security interest, or holder of an encumbrance,
218 mortgage or deed of trust that affects the property is to be named
219 in the petition of forfeiture and is to be served with process in
220 the same manner as in civil cases.

221 (10) If the owner of the property cannot be found and served
222 with a copy of the petition of forfeiture, or if no person was in
223 possession of the property subject to forfeiture at the time that
224 it was seized and the owner of the property is unknown, there
225 shall be filed with the clerk of the court in which the proceeding
226 is pending an affidavit to such effect, whereupon the clerk of the



227 court shall publish notice of the hearing addressed to "the
228 Unknown Owner of _____," filling in the blank space with
229 a reasonably detailed description of the property subject to
230 forfeiture. Service by publication shall contain the other
231 requisites prescribed in Section 11-33-41, and shall be served as
232 provided in Section 11-33-37, for publication of notice for
233 attachments at law.

234 (11) No proceedings instituted pursuant to the provisions of
235 this section shall proceed to hearing unless the judge conducting
236 the hearing is satisfied that this section has been complied with.
237 Any answer received from an inquiry required by this section shall
238 be introduced into evidence at the hearing.

239 (12) (a) An owner of a property that has been seized shall
240 file an answer within thirty (30) days after the completion of
241 service of process. If an answer is not filed, the court shall
242 hear evidence that the property is subject to forfeiture and
243 forfeit the property to the seizing law enforcement agency. If an
244 answer is filed, a time for hearing on forfeiture shall be set
245 within thirty (30) days of filing the answer or at the succeeding
246 term of court if court would not be in session within thirty (30)
247 days after filing the answer. The court may postpone the
248 forfeiture hearing to a date past the time any criminal action is
249 pending against the owner upon request of any party.

250 (b) If the owner of the property has filed an answer
251 denying that the property is subject to forfeiture, then the



252 burden is on the petitioner to prove that the property is subject
253 to forfeiture. However, if an answer has not been filed by the
254 owner of the property, the petition for forfeiture may be
255 introduced into evidence and is prima facie evidence that the
256 property is subject to forfeiture. The burden of proof placed
257 upon the petitioner in regard to property forfeited under the
258 provisions of this chapter shall be by a preponderance of the
259 evidence.

260 (c) At the hearing any claimant of any right, title or
261 interest in the property may prove his lien, encumbrance, security
262 interest, other interest in the nature of a security interest,
263 mortgage or deed of trust to be bona fide and created without
264 knowledge or consent that the property was to be used so as to
265 cause the property to be subject to forfeiture.

266 (d) If it is found that the property is subject to
267 forfeiture, then the judge shall forfeit the property. However,
268 if proof at the hearing discloses that the interest of any bona
269 fide lienholder, secured party, other person holding an interest
270 in the property in the nature of a security interest, or any
271 holder of a bona fide encumbrance, mortgage or deed of trust is
272 greater than or equal to the present value of the property, the
273 court shall order the property released to him. If the interest
274 is less than the present value of the property and if the proof
275 shows that the property is subject to forfeiture, the court shall
276 order the property forfeited.



277 (13) Unless otherwise provided herein, all personal property
278 which is forfeited under this section shall be liquidated and,
279 after deduction of court costs and the expense of liquidation, the
280 proceeds shall be divided as follows:

281 (a) If only one (1) law enforcement agency participates
282 in the underlying criminal case out of which the forfeiture
283 arises, fifty percent (50%) of the proceeds shall be forwarded to
284 the State Treasurer and deposited in the Victims of Human
285 Trafficking and Commercial Sexual Exploitation Fund, and fifty
286 percent (50%) shall be deposited and credited to the budget of the
287 participating law enforcement agency.

288 (b) If more than one (1) law enforcement agency
289 participates in the underlying criminal case out of which the
290 forfeiture arises, fifty percent (50%) of the proceeds shall be
291 forwarded to the State Treasurer and deposited in the Victims of
292 Human Trafficking and Commercial Sexual Exploitation Fund,
293 twenty-five percent (25%) of the proceeds shall be deposited and
294 credited to the budget of the law enforcement agency whose
295 officers initiated the criminal case and twenty-five percent (25%)
296 shall be divided equitably between or among the other
297 participating law enforcement agencies, and shall be deposited and
298 credited to the budgets of the participating law enforcement
299 agencies. In the event that the other participating law
300 enforcement agencies cannot agree on the division of their
301 twenty-five percent (25%), a petition shall be filed by any one of



302 them in the court in which the civil forfeiture case is brought
303 and the court shall make an equitable division.

304 (14) All money forfeited under this section shall be
305 divided, deposited and credited in the same manner as provided in
306 subsection (13).

307 (15) All real estate forfeited under the provisions of this
308 section shall be sold to the highest and best bidder at a public
309 auction for cash, the auction to be conducted by the chief law
310 enforcement officer of the initiating law enforcement agency, or
311 his designee, at such place, on such notice and in accordance with
312 the same procedure, as far as practicable, as is required in the
313 case of sales of land under execution at law. The proceeds of the
314 sale shall first be applied to the cost and expense in
315 administering and conducting the sale, then to the satisfaction of
316 all mortgages, deeds of trust, liens and encumbrances of record on
317 the property. The remaining proceeds shall be divided, forwarded
318 and deposited in the same manner as provided in subsection (13).

319 (16) (a) Any state, county or municipal law enforcement
320 agency may maintain, repair, use and operate for official purposes
321 all property described in subsection (1)(a)(i) of this section
322 that has been forfeited to the agency if it is free from any
323 interest of a bona fide lienholder, secured party or other party
324 who holds an interest in the property in the nature of a security
325 interest. The state, county or municipal law enforcement agency
326 may purchase the interest of a bona fide lienholder, secured party



327 or other party who holds an interest so that the property can be
328 released for its use. If the property is a motor vehicle
329 susceptible of titling under the Mississippi Motor Vehicle Title
330 Law, the law enforcement agency shall be deemed to be the
331 purchaser, and the certificate of title shall be issued to it as
332 required by subsection (9) of this section.

333 (b) (i) If a vehicle is forfeited to or transferred to
334 a sheriff's department, then the sheriff may transfer the vehicle
335 to the county for official or governmental use as the board of
336 supervisors may direct.

337 (ii) If a vehicle is forfeited to or transferred
338 to a police department, then the police chief may transfer the
339 vehicle to the municipality for official or governmental use as
340 the governing authority of the municipality may direct.

341 (c) If a motor vehicle forfeited to a state, county or
342 municipal law enforcement agency becomes obsolete or is no longer
343 needed for official or governmental purposes, it may be disposed
344 of in accordance with Section 19-7-5 or in the manner provided by
345 law for disposing of municipal property.

346 (17) The forfeiture procedure set forth in this section is
347 the sole remedy of any claimant, and no court shall have
348 jurisdiction to interfere therewith by replevin, injunction,
349 supersedeas or in any other manner.

350 **SECTION 5.** (1) There is established the State Medical
351 Examiner Task Force as a successor entity to the State Medical



352 Examiner Advisory Council created under Section 41-61-55(3). The
353 task force is comprised of the following nine (9) members:

354 (a) The State Health Officer or the officer's designee;

355 (b) The Dean of the University of Mississippi Medical
356 Center School of Medicine or the dean's designee;

357 (c) The Commissioner of Public Safety;

358 (d) The Attorney General or the Attorney General's
359 designee;

360 (e) The President of the Mississippi Coroners and
361 Medical Examiners Association or the president's designee;

362 (f) The President of the Mississippi Prosecutors
363 Association or the president's designee;

364 (g) The President of the Mississippi Public Defenders
365 Association or the president's designee;

366 (h) The President of the Mississippi Association of
367 Chiefs of Police or the president's designee; and

368 (i) The President of the Mississippi Sheriffs'
369 Association or the president's designee.

370 Each member of the task force serves at the pleasure of the
371 head of the member's agency or appointing authority.

372 (2) The members of the task force shall elect a member
373 annually to serve as chair. A member may not serve as chair more
374 than two (2) consecutive years. The chair shall call meetings of
375 the task force and shall cause written notice of the meetings to



376 be furnished to members of the task force at least thirty (30)
377 days before the date of a meeting.

378 (3) Members of the task force must serve without
379 compensation.

380 (4) The task force shall meet at least once annually.

381 (5) The first meeting of the task force must be held before
382 September 30, 2024. Notice of the time and place of the first
383 meeting must be provided to each member of the task force no less
384 than sixty (60) days before the scheduled meeting.

385 (6) Before December 31 of each year, the task force shall
386 prepare and submit an annual report containing recommendations and
387 advice to the Legislature. The report must include, but need not
388 be limited to, the following:

389 (a) Identification of needs and means to improve the
390 investigation of deaths affecting the public interest while using
391 best practices;

392 (b) Identification of state medical examiner resources;
393 and

394 (c) Recommendations to enhance the efficiency of the
395 Mississippi State Medical Examiner's Office.

396 **SECTION 6.** Section 41-61-55, Mississippi Code of 1972, is
397 amended as follows:

398 41-61-55. (1) There is hereby created the position of State
399 Medical Examiner, under the supervision of the Commissioner of
400 Public Safety and within the Office of Forensic Laboratories. The



401 State Medical Examiner shall be appointed by the Commissioner of
402 Public Safety subject to review by the dean of the University of
403 Mississippi Medical Center School of Medicine and the State Health
404 Officer. The State Medical Examiner may be discharged only for
405 good cause by the Commissioner of Public Safety.

406 (2) The State Medical Examiner must obtain a license to
407 practice medicine in Mississippi and be certified in forensic
408 pathology by the American Board of Pathology. The State Medical
409 Examiner may also be designated as the Chief Medical Examiner.

410 * * *

411 **SECTION 7.** Section 45-1-3, Mississippi Code of 1972, is
412 brought forward as follows:

413 45-1-3. (1) When not otherwise specifically provided, the
414 commissioner is authorized to make and promulgate reasonable rules
415 and regulations to be coordinated, and carry out the general
416 provisions of the Highway Safety Patrol and Driver's License Law
417 of 1938.

418 (2) The commissioner shall have the authority to administer
419 oaths.

420 **SECTION 8.** This act shall take effect and be in force from
421 and after July 1, 2024, and shall stand repealed June 30, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 45-3-51, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE A LAW ENFORCEMENT OFFICER RETIRING FROM THE DEPARTMENT



3 OF PUBLIC SAFETY AND BENEFICIARIES OF AN OFFICER KILLED IN THE
4 LINE OF DUTY TO RETAIN A SIDEARM ISSUED TO THAT OFFICER; TO AMEND
5 SECTION 45-9-131, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
6 PRECEDING PROVISIONS; TO AMEND SECTION 77-7-345, MISSISSIPPI CODE
7 OF 1972, TO DELETE THE REPEALER ON THE STATUTE AUTHORIZING THE
8 COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH A VOLUNTARY PROGRAM FOR
9 THE INSPECTION OF COMMERCIAL MOTOR VEHICLES; TO AMEND SECTION
10 97-3-54.7, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT
11 OF PUBLIC SAFETY TO SEIZE PROPERTY USED IN THE COMMISSION OF
12 VIOLATIONS OF THE HUMAN TRAFFICKING ACT; TO CREATE THE STATE
13 MEDICAL EXAMINER TASK FORCE TO REPLACE THE STATE MEDICAL EXAMINER
14 ADVISORY COUNCIL; TO AMEND SECTION 41-61-55, MISSISSIPPI CODE OF
15 1972, TO DELETE PROVISIONS RELATING TO THE STATE MEDICAL EXAMINER
16 ADVISORY COUNCIL; TO BRING FORWARD SECTION 45-1-3, MISSISSIPPI
17 CODE OF 1972; AND FOR RELATED PURPOSES.

